

Serial No. 09/840,426

Art Unit: 3749
Examiner: Carl D. PriceREMARKS

In response to the Patent Office Action of August 11, 2006, the Applicant respectfully requests reexamination and reconsideration. On page 4 of the Patent Office Letter the Examiner has indicated allowable subject matter in claims 4-20. To further the prosecution of this application amendments have been made in the claims and it is believed that all claims in this application should now be in condition for allowance. In order to afford the Applicant a complete scope of claim coverage, additional claims have also been added to the application.

In the Patent Office Letter on page 2 the Examiner has set forth a rejection under 35 U.S.C. §112 relating to claims 1-20. The Applicant believes that the "function" has been set forth relating to the interchanging means. This function is the function of "selectively interchanging." In this regard, it is also noted that the language between claims 1 and 2 has now been made consistent so that reference is made in both of these claims to a "flame interchanging means."

On pages 2-4 of the Patent Office Letter the Examiner has set forth a rejection of only claims 1-3 under 35 U.S.C. §103 relying upon the patents to Kanamaru and Lowenthal.

Regarding the Lowenthal patent, this reference, although it shows some of the components that the Applicant claims, does not show any type of a flame interchanging device. The Kanamaru patent does not disclose a flame interchanging device for changing between flames of different type. Instead, the Kanamaru reference simply redirects, basically the same flame, from a side position such as shown in FIG. 1 to a top position such as shown in FIG. 2 of the Kanamaru patent. This patent describes a horizontal flame 28 shown in FIG. 1 that is used in pipe lighting and a vertical flame 32 that is more adapted for cigarette or cigar lighting such as shown in FIG. 2. To produce this action they provide a cylindrical member 20 that moves axially, or as shown in their drawings, vertically.

On the other hand, in accordance with the present invention the claimed valve switcher is for enabling the generation of different type flames. Note, for example, claim 1 the reference to

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the alignment producing "different flames." Moreover, in accordance with the present invention the interchanging member of the present invention functions differently. It is not adapted to move in an axial direction but instead either rotates or moves horizontally. For example, FIG. 3 of the present application shown an embodiment in which the valve switcher rotates, while FIG. 4 illustrates an embodiment in which the valve switcher moves horizontally. In either instance the movement is in a direction orthogonal to the axis of the gas nozzles. This structural difference is clearly a distinguishing difference over the structure shown in the Kanamaru patent.

On page 4 of the Patent Office Letter the Examiner has indicated allowable subject matter in claims 4-20. Accordingly, claims 4-7 and 12 have all now been converted into independent form based upon the indication of allowable subject matter by the Examiner.

It is also noted that claim 3 has now been inserted into independent form. Even though the Examiner has included claim 3 in the rejection, it is noted that claim 3 defines the valve switcher as adapted for coaxial rotation. With this language in claim 3 it is believed that claim 3 should be in condition for allowance. The Kanamaru reference does not show this coaxial rotation.

Claim 1 has also now been amended to patentably distinguish over the prior art relied upon by the Examiner. In order to do this it is noted that claim 1 now recites that the gas nozzles are disposed in a parallel arrangement. Moreover, claim 1 now recites that the valve switcher is manually movable in a direction orthogonal to both of the gas nozzles. With these further limitations in claim 1, claim 1 is believed to be clearly patentably distinguishable over the Kanamaru reference whether taken alone or in combination with the Lowenthal reference.

The Applicant has also added dependent claims 21-24 that recite further details. For example, claim 21 covers the embodiment in which the valve switcher is coaxially rotated while claim 22 covers the embodiment in which the valve switcher moves horizontally.

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The added claims 25-29 contain distinguishing limitations to that found in amended claim 1. These claims should also be found in condition for allowance and are clearly patentably distinguishable over the references relied upon by the Examiner.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of any remaining matters. Applicants' attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #19-0120.

Respectfully submitted,
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